

Case 3:09-cv-00739-RAM Document 39 Filed 11/01/10 Page 1 of 3

1 Rebecca Bruch, Esq., Nevada Bar No. 7289
2 Charity F. Felts, Esq., Nevada Bar No. 10581
3 ERICKSON THORPE & SWAINSTON
4 99 West Arroyo Street
5 Reno, Nevada 89509
6 (775)786-3930
7 (775)786-4160
8 Attorneys for Defendants

FILED ENTERED	RECEIVED SERVED ON
COUNSEL/PARTIES OF RECORD	
NOV - 1 2010	
CLERK OF DISTRICT COURT DISTRICT OF NEVADA	
BY	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BONNIE DUKE,

Case No. 3:09-cv-00739-RAM

Plaintiff,

VS.

CITY OF FERNLEY, KELLY MALLOY,
TODD CUTLER, DONALD PARSON, SR.,
MONTE MARTIN, CURT CHAFFIN, AND
CAL ELRICH.

REQUEST FOR CLARIFICATION

Defendants.

Defendants CITY OF FERNLEY, KELLY MALLOY, TODD CUTLER, DONALD PARSON, SR., MONTE MARTIN, CURT CHAFFIN, AND CAL ELRICH, (hereinafter "Defendants") by and through their counsel, REBECCA BRUCH, ESQ., and CHARITY FELTS, ESQ., of ERICKSON, THORPE & SWAINSTON, hereby request for clarification regarding defendant attendance at Early Neutral Evaluation.

This Court is currently scheduled to conduct an Early Neutral Evaluation in the above-referenced case on Monday, November 8, 2010, at 1:30 p.m. Defendants are being defended and indemnified under their agreement with the Nevada Public Agency Insurance Pool (“Pool”). The Pool will be represented by Dan Hamlin, who has full and final settlement authority in this case.

Defendants seek clarification as to what other defendants the court would like to be in attendance. Specifically, former Mayor Todd Cutler now is the superintendent of the Lassen County School District, and resides in Susanville, California. We do not believe his

Case 3:09-cv-00739-RAM Document 39 Filed 11/01/10 Page 2 of 3

1 presence and participation are critical to the process. Likewise, we do not believe that
2 councilmembers Martin, Chaffin or Elrich have other than a minor role in this case. Ms.
3 Duke's allegations center almost exclusively around conduct by Ms. Malloy and Mr. Parsons,
4 and we would anticipate the Court would want them to attend.

5 We would anticipate that City Attorney Brandi Jensen would attend as representative
6 for the City of Fernley.

7 Based on the foregoing, Defendants would request that former Mayor Todd Cutler and
8 councilmembers Martin, Chaffin and Elrich be excused from participating in the ENE.

9
10 DATED this 1st day of November, 2010.
11
12 ERICKSON, THORPE & SWAINSTON, LTD.
13
14 By: _____/s/ Rebecca Bruch _____
15 REBECCA BRUCH, ESQ. (# 7289))
16 CHARITY F. FELTS, ESQ. (#10581)
17 Attorneys for Defendants
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED
Valerie B. John
U.S. MAGISTRATE JUDGE
DATED: November 1, 2010

Case 3:09-cv-00739-RAM Document 39 Filed 11/01/10 Page 3 of 3

CERTIFICATE OF SERVICE

Pursuant to FRCP5(b), I certify that I am an employee of ERICKSON, THORPE & SWAINSTON, LTD., 99 West Arroyo Street, Reno, Nevada 89509; and that on this date I served a copy of the **REQUEST FOR CLARIFICATION** foregoing document by U.S. District Court CM/ECF Electronic Filing to:

**ALLEN D. GIBSON, ESQ.
165 W Main Street. Suite B
P.O. Box 1960
Fernley, NV 89408**

DATED this 1st day of November, 2010.

/s/ Sara B. Pastore /s/